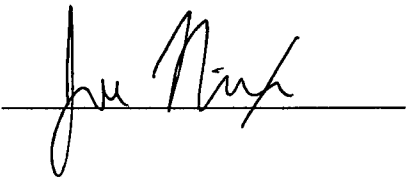


I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED FEB 12 2003

By:



H.J.R. No. 3

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to determine limits for noneconomic damages in medical or health
3 care liability claims and other claims.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Texas Constitution, is amended by
6 adding Section 66 to read as follows:

7 Sec. 66. (a) In this section, "economic damages" means
8 compensatory damages for any pecuniary loss or damage. The term
9 does not include any loss or damage, however characterized, for
10 past, present, and future physical pain and suffering, mental
11 anguish and suffering, loss of consortium, loss of companionship
12 and society, disfigurement, or physical impairment.

13 (b) Notwithstanding any other provision of this
14 constitution, the legislature by statute may determine the limit of
15 liability for all damages and losses, however characterized, other
16 than economic damages, of a provider of medical or health care with
17 respect to treatment, lack of treatment, or other claimed departure
18 from an accepted standard of medical or health care or safety,
19 however characterized, that is or is claimed to be a cause of, or
20 that contributes or is claimed to contribute to, disease, injury,
21 or death of a person. This subsection applies without regard to
22 whether the claim or cause of action arises under or is derived from
23 common law, a statute, or other law, including any claim or cause of
24 action based or sounding in tort, contract, or any other theory or

1 any combination of theories of liability. The claim or cause of
2 action includes a medical or health care liability claim as defined
3 by the legislature.

4 (c) Notwithstanding any other provision of this
5 constitution, after January 1, 2005, the legislature by statute may
6 determine the limit of liability for all damages and losses,
7 however characterized, other than economic damages, in a claim or
8 cause of action not covered by Subsection (b) of this section. This
9 subsection applies without regard to whether the claim or cause of
10 action arises under or is derived from common law, a statute, or
11 other law, including any claim or cause of action based or sounding
12 in tort, contract, or any other theory or any combination of
13 theories of liability.

14 (d) The legislature may include in any statute passed under
15 this section a limitation of liability in the statute that:

16 (1) applies to each claim or cause of action, each
17 claimant, each provider, or a combination of one or more claims or
18 causes of action, claimants, or providers;

19 (2) applies to all damages and losses, other than
20 economic damages, sought with respect to the claim or cause of
21 action, an element of the damage or loss sought, or a combination of
22 those elements;

23 (3) is subject to increase or decrease over time by a
24 means or as otherwise specified by the legislature;

25 (4) is subject to or conditioned on an event or
26 requirement specified by the legislature; or

27 (5) applies to a claim or cause of action under either

1 Subsection (b) or (c) of this section that has not become vested in
2 a final judgment, including a claim or cause of action in a suit or
3 action pending on or before the effective date of a statute passed
4 under this section.

5 (e) Except as provided by Subsection (c) of this section,
6 this section applies to a law enacted by the 78th Legislature,
7 Regular Session, 2003, and to all subsequent regular or special
8 sessions of the legislature.

9 SECTION 2. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 4, 2003.
11 The ballot shall be printed to permit voting for or against the
12 proposition: "The constitutional amendment authorizing the
13 legislature to determine limitations on noneconomic damages."

14 SECTION 3. If a majority of the voters vote against this
15 proposed constitutional amendment, a court may not consider any
16 aspect of the vote for any purpose, in any manner, or to any extent.

HOUSE COMMITTEE REPORT

03 MAR -7 PM 5:39

1st Printing

By: Nixon

H.J.R. No. 3

Substitute the following for H.J.R. No. 3:

By: Capelo

C.S.H.J.R. No. 3

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to determine limits for noneconomic damages in medical or health
3 care liability claims and other claims.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Texas Constitution, is amended by
6 adding Section 66 to read as follows:

7 Sec. 66. (a) In this section, "economic damages" means
8 compensatory damages for any pecuniary loss or damage. The term
9 does not include any loss or damage, however characterized, for
10 past, present, and future physical pain and suffering, mental
11 anguish and suffering, loss of consortium, loss of companionship
12 and society, disfigurement, or physical impairment.

13 (b) Notwithstanding any other provision of this
14 constitution, the legislature by statute may determine the limit of
15 liability for all damages and losses, however characterized, other
16 than economic damages, of a provider of medical or health care with
17 respect to treatment, lack of treatment, or other claimed departure
18 from an accepted standard of medical or health care or safety,
19 however characterized, that is or is claimed to be a cause of, or
20 that contributes or is claimed to contribute to, disease, injury,
21 or death of a person. This subsection applies without regard to
22 whether the claim or cause of action arises under or is derived from
23 common law, a statute, or other law, including any claim or cause of
24 action based or sounding in tort, contract, or any other theory or

1 any combination of theories of liability. The claim or cause of
2 action includes a medical or health care liability claim as defined
3 by the legislature.

4 (c) Notwithstanding any other provision of this
5 constitution, after January 1, 2005, the legislature by statute may
6 determine the limit of liability for all damages and losses,
7 however characterized, other than economic damages, in a claim or
8 cause of action not covered by Subsection (b) of this section. This
9 subsection applies without regard to whether the claim or cause of
10 action arises under or is derived from common law, a statute, or
11 other law, including any claim or cause of action based or sounding
12 in tort, contract, or any other theory or any combination of
13 theories of liability.

14 (d) The legislature may include in any statute passed under
15 this section a limitation of liability in the statute that:

16 (1) applies to each claim or cause of action, each
17 claimant, each provider, or a combination of one or more claims or
18 causes of action, claimants, or providers;

19 (2) applies to all damages and losses, other than
20 economic damages, sought with respect to the claim or cause of
21 action, an element of the damage or loss sought, or a combination of
22 those elements;

23 (3) is subject to increase or decrease over time by a
24 means or as otherwise specified by the legislature;

25 (4) is subject to or conditioned on an event or
26 requirement specified by the legislature; or

27 (5) applies to a claim or cause of action under either

1 Subsection (b) or (c) of this section that has not become vested in
2 a final judgment, including a claim or cause of action in a suit or
3 action pending on or before the effective date of a statute passed
4 under this section.

5 (e) Except as provided by Subsection (c) of this section,
6 this section applies to a law enacted by the 78th Legislature,
7 Regular Session, 2003, and to all subsequent regular or special
8 sessions of the legislature.

9 SECTION 2. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held September 13,
11 2003. The ballot shall be printed to permit voting for or against
12 the proposition: "The constitutional amendment authorizing the
13 legislature to determine limitations on noneconomic damages."

14 SECTION 3. If a majority of the voters vote against this
15 proposed constitutional amendment, a court may not consider any
16 aspect of the vote for any purpose, in any manner, or to any extent.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

MARCH 4, 2003
(date)

Sir:

We, your COMMITTEE ON CIVIL PRACTICES
to whom was referred HSR 3 have had the same under consideration and beg to report
back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(✓) yes () no A fiscal note was requested.
() yes (✓) no A criminal justice policy impact statement was requested.
() yes (✓) no An equalized educational funding impact statement was requested.
() yes (✓) no An actuarial analysis was requested.
() yes (✓) no A water development policy impact statement was requested.
() yes (✓) no A tax equity note was requested.
() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Nixon, Chair	✓			
Gattis, Vice-chair	✓			
Capelo	✓			
Davis, Y.		✓		
Hartnett	✓			
King	✓			
Krusee	✓			
Rose	✓			
Woolley	✓			

Total 8 aye
 1 nay
 0 present, not voting
 0 absent

Joe Nixon
CHAIR

BILL ANALYSIS

C.S.H.J.R. 3
By: Nixon
Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1977 the Texas Legislature passed the Medical Liability and Insurance Improvement Act of Texas to cover health care liability claims. The Act contained a \$500,000-cap on all damages except medical expenses for health care liability claims. In 1988, in *Lucas v. United States*, 757 S.W.2d 687 (Tex. 1988), the Texas Supreme Court held that the limitation on damages was unconstitutional as applied to common law causes of action but constitutional as applied to statutory causes of action. The *Lucas* court held that the statutory limitation on medical malpractice damages was unconstitutional as applied to common law causes of action because it violated the "open courts provision." As proposed, H.J.R. 3 requires the submission to the voters of a constitutional amendment authorizing the Legislature to determine limits for non-economic damages in medical or health care liability claims.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 3 Amends Article III of the Texas Constitution by adding a Section 66 which defines economic damages to mean compensatory damages for any pecuniary loss or damage not including non-economic damages; provides that notwithstanding any other provision of the Constitution the Legislature may place limitations on non-economic damages in health care liability claims; provides that beginning in January 1, 2005, the Legislature may enact limitations on non-economic damages in addition to what is permitted in new Subsection (b); clarifies the scope of authority to enact limitations on non-economic damages and contains an enacting clause stating that the amendment will apply to laws enacted by the 78th Legislature, and in all subsequent regular or special sessions of the Legislature.

FOR ELECTION

Calls for submitting the proposed Constitutional Amendment to the voters at an election to be held September 13, 2003 and contains proposed wording for the ballot proposition.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Calls for the election to be held September 13, 2003, instead of November 4, 2003.

SUMMARY OF COMMITTEE ACTION

HJR 3

February 19, 2003 2:00PM or upon adjournment

Considered in public hearing
Testimony taken in committee (See attached witness list.)
Left pending in committee

March 4, 2003 upon final adjourn./recess

Considered in formal meeting
Committee substitute considered in committee
Reported favorably as substituted

2

WITNESS LIST

HJR 3
HOUSE COMMITTEE REPORT
Civil Practices Committee

February 19, 2003 - 2:00PM or upon adjournment

For:	Berthelsen, Spencer (Texas Medical Association) Durand, John (Texas Medical Association) Evans, Darlene (Self and Texas Health Care Association) Ewing, Joe (Primary Care Coalition) Falcon, Antonio (Texas Medical Association) Gadberry, Gavin (Texas Health Care Association) Howard, Jo Ann (TMLT; American Physicians Insurance Exchange) Hull, Mike (TAPA) Hunsaker, Jerry (Self) Juan, Vicente (Self) Kottman, Robert (Self and Bexar County Medical Society) Permetti, Thomas (CHRISTUS Health; Texas Hospital Association; Catholic Health Association of Texas) Peterson, Mary Dale (Self) Regier, Michael (Texas Hospital Association; Seton Healthcare Network) Roberts, George (Self and Texas Hospital Association; Henderson Memorial Hospital) Spence, Chris (Texas Association of Homes and Services for the Aging) Venable, Peggy (Citizens for a Sound Economy; Texas Womens Alliance) Woerner, Steve (Corpus Christi Medical Center)
Against:	Aleshire, Mary Roe (Self) Bragg, David (AARP) Castleberry, Laura (Self) Dye, Robert (Self) Fletcher, Howard (Self) Gibson, Lester (Self) Gray, Richard (Self) Grover, Laurie (Self) Hampton, Hartley (Texas Trial Lawyers Association) James, Reggie (Consumers Union) Jetton, Sheila (Self) Lanier, W. Mark (Self) Mithoff, Richard (Texas Trial Lawyers Association) Rosenfield, Harvey (Foundation for Taxpayer & Consumer Rights) Sweeney, Paula (Texas Trial Lawyers Association) Tutt, Kim (Self) Weber, Cynthia Garza (Self)

On: Wright, Larry (Self)
Young, Aaron (Self)
Zamora, Anita (Self)
Korioth, Tony (Texas Municipal League Intergovernmental
Risk Pool)
Mah, C. H. (Texas Department of Insurance)
Patrick, Donald (Texas Board of Medical Examiners)
Ryder, Brian (Texas Department of Insurance)
Sprinkle, G. K. (Texas Ambulance Association)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION
Revision 1

March 5, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$475,584.

The bill would propose a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability. The proposed constitutional amendment would be held on September 13, 2003.

According to the Secretary of State, presenting one constitutional amendment on a ballot results in higher costs because economies of scales are lost. The estimated cost of \$475,584 would include \$314,062 for postage, \$50,872 for printing, \$110,500 for newspaper advertising, and \$150 for translation costs. According to the Secretary of State, these costs are similar to those experienced in November 2002 when one constitutional amendment was presented to voters.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary Of State

LBB Staff: JK, GO, MS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 5, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HJR3** by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **Committee Report 1st House, Substituted**

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, GO, MS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION
Revision 1

February 17, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department Of Insurance

LBB Staff: JK, GO, JRO, MS, CJ

7

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 15, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HJR3** by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HJR3, As Introduced: a negative impact of (\$85,275) through the biennium ending August 31, 2005.

This House Joint Resolution proposes a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.

Appropriations:

Fiscal Year	Appropriation out of GENERAL REVENUE FUND I
2004	(\$85,275)
2005	\$0

General Revenue-Related Funds, Two-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$85,275)
2005	\$0

Fiscal Analysis

This House Joint Resolution proposes a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims. The general cost for this Joint Resolution would be \$85,275 during fiscal year 2004.

Methodology

The Secretary of State spends an estimated \$85,275 on each constitutional amendment for printing in newspapers in English, Vietnamese and American Indian, as well as translation and mailing of Spanish language explanations of constitutional amendments to all Hispanic-surnamed households in the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

8

Source Agencies:

LBB Staff: JK, JRO, MS, CJ

9

~~2012~~

RECOMMITTED
**HOUSE
COMMITTEE REPORT**
1st Printing

03 MAR 24 PM 4: 53
HOUSE OF REPRESENTATIVES

By: Nixon, et al.

H.J.R. No. 3

Substitute the following for H.J.R. No. 3:

By: Gattis

C.S.H.J.R. No. 3

A JOINT RESOLUTION

1 proposing a constitutional amendment concerning civil lawsuits
2 against doctors and health care providers, and other actions,
3 authorizing the legislature to determine limitations on
4 non-economic damages.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Section 66 to read as follows:

8 Sec. 66. (a) In this section "economic damages" means
9 compensatory damages for any pecuniary loss or damage. The term
10 does not include any loss or damage, however characterized, for
11 past, present, and future physical pain and suffering, mental
12 anguish and suffering, loss of consortium, loss of companionship
13 and society, disfigurement, or physical impairment.

14 (b) Notwithstanding any other provision of this
15 constitution, the legislature by statute may determine the limit of
16 liability for all damages and losses, however characterized, other
17 than economic damages, of a provider of medical or health care with
18 respect to treatment, lack of treatment, or other claimed departure
19 from an accepted standard of medical or health care or safety,
20 however characterized, that is or is claimed to be a cause of, or
21 that contributes or is claimed to contribute to, disease, injury,
22 or death of a person. This subsection applies without regard to
23 whether the claim or cause of action arises under or is derived from
24 common law, a statute, or other law, including any claim or cause of

1 action based or sounding in tort, contract, or any other theory or
2 any combination of theories of liability. The claim or cause of
3 action includes a medical or health care liability claim as defined
4 by the legislature.

5 (c) Notwithstanding any other provision of this
6 constitution, after January 1, 2005, the legislature by statute may
7 determine the limit of liability for all damages and losses,
8 however characterized, other than economic damages, in a claim or
9 cause of action not covered by Subsection (b) of this section. This
10 subsection applies without regard to whether the claim or cause of
11 action arises under or is derived from common law, a statute, or
12 other law, including any claim or cause of action based or sounding
13 in tort, contract, or any other theory or any combination of
14 theories of liability.

15 (d) Except as provided by Subsection (c) of this section,
16 this section applies to a law enacted by the 78th Legislature,
17 Regular Session, 2003, and to all subsequent regular or special
18 sessions of the legislature.

19 (e) A legislative exercise of authority under Subsection
20 (c) of this section requires a three-fifths vote of the members
21 present in each House and must include language citing this
22 section.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held September 13,
25 2003. The ballot shall be printed to permit voting for or against
26 the proposition: "The constitutional amendment concerning civil
27 lawsuits against doctors and health care providers, and other

1 actions, authorizing the legislature to determine limitations on
2 non-economic damages."

3 SECTION 3. If a majority of the voters vote against this
4 proposed constitutional amendment, a court may not consider any
5 aspect of the vote for any purpose, in any manner, or to any extent.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

MARCH 24, 2003
(date)

Sir:

We, your COMMITTEE ON CIVIL PRACTICES

to whom was referred HJR 3 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes () no A fiscal note was requested.
- () yes (X) no A criminal justice policy impact statement was requested.
- () yes (X) no An equalized educational funding impact statement was requested.
- () yes (X) no An actuarial analysis was requested.
- () yes (X) no A water development policy impact statement was requested.
- () yes (X) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Nixon, Chair	✓			
Gattis, Vice-chair	✓			
Capelo	✓			
Davis, Y.		✓		
Hartnett	✓			
King	✓			
Krusee	✓			
Rose	✓			
Woolley	✓			

Total 8 aye
 1 nay
 0 present, not voting
 0 absent

CHAIR Joe Rife

BILL ANALYSIS

C.S.H.J.R. 3
By: Nixon
Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1977 the Texas Legislature passed the Medical Liability and Insurance Improvement Act of Texas to cover health care liability claims. The Act contained a \$500,000-cap on all damages except medical expenses for health care liability claims. In 1988, in *Lucas v. United States*, 757 S.W.2d 687 (Tex. 1988), the Texas Supreme Court held that the limitation on damages was unconstitutional as applied to common law causes of action but constitutional as applied to statutory causes of action. The *Lucas* court held that the statutory limitation on medical malpractice damages was unconstitutional as applied to common law causes of action because it violated the "open courts provision." As proposed, C.S.H.J.R. 3 requires the submission to the voters of a constitutional amendment authorizing the Legislature to determine limits for non-economic damages in medical or health care liability claims and other actions.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 3 amends Article III of the Texas Constitution by adding a Section 66 which defines economic damages to mean compensatory damages for any pecuniary loss or damage not including non-economic damages; provides that notwithstanding any other provision of the Constitution the Legislature may place limitations on non-economic damages in health care liability claims; provides that beginning in January 1, 2005, the Legislature may enact limitations on non-economic damages in addition to what is permitted in new Subsection (b); clarifies the scope of authority to enact limitations on non-economic damages and contains a new Subsection (e) requiring the Legislature to obtain a three-fifths vote of the members present to constitutionally enact limitations on non-economic damages, pursuant to this amendment.

FOR ELECTION

This proposed constitutional amendment shall be submitted to the voters at an election to be held September 13, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Revises the ballot language to read "The constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages." Deletes the old Subsection (d) which related to legislative authority and judicial construction. Adds a new Subsection (e) which requires a three-fifths vote of the members present in each House to constitutionally enact limits on non-economic damages for Acts to which this amendment applies. Calls for the election to be held September 13, 2003, instead of November 4, 2003.

SUMMARY OF COMMITTEE ACTION

HJR 3

March 24, 2003 upon final adjourn./recess

Considered in formal meeting

Committee substitute considered in committee

Reported favorably as substituted

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 2

March 24, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$475,584.

The bill would propose a constitutional amendment authorizing the legislature to determine limits for non-economic damages in medical or health care liability. The proposed constitutional amendment would be held on September 13, 2003.

According to the Secretary of State, presenting one constitutional amendment on a ballot results in higher costs because economies of scales are lost. The estimated cost of \$475,584 would include \$314,062 for postage, \$50,872 for printing, \$110,500 for newspaper advertising, and \$150 for translation costs. According to the Secretary of State, these costs are similar to those experienced in November 2002 when one constitutional amendment was presented to voters.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JK, GO, MS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION
Revision 1

February 17, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department Of Insurance

LBB Staff: JK, GO, JRO, MS, CJ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 15, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HJR3** by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HJR3, As Introduced: a negative impact of (\$85,275) through the biennium ending August 31, 2005.

This House Joint Resolution proposes a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.

Appropriations:

Fiscal Year	Appropriation out of GENERAL REVENUE FUND
2004	(\$85,275)
2005	\$0

General Revenue-Related Funds, Two-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$85,275)
2005	\$0

Fiscal Analysis

This House Joint Resolution proposes a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims. The general cost for this Joint Resolution would be \$85,275 during fiscal year 2004.

Methodology

The Secretary of State spends an estimated \$85,275 on each constitutional amendment for printing in newspapers in English, Vietnamese and American Indian, as well as translation and mailing of Spanish language explanations of constitutional amendments to all Hispanic-surnamed households in the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, JRO, MS, CJ

2022/6

ADOPTED

✓ MAR 28 2003

as amended

Robert Hanes
Chief Clerk
House of Representatives

By: NIXON

H.J.R. No. 3

Substitute the following for H.J.R. No. 3:

By: GATTIS

C.S. H.J.R. No. 3

A JOINT RESOLUTION

1 proposing a constitutional amendment concerning civil lawsuits
2 against doctors and health care providers, and other actions,
3 authorizing the legislature to determine limitations on
4 non-economic damages.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Section 66 to read as follows:

8 Sec. 66. (a) In this section "economic damages" means
9 compensatory damages for any pecuniary loss or damage. The term
10 does not include any loss or damage, however characterized, for
11 past, present, and future physical pain and suffering, mental
12 anguish and suffering, loss of consortium, loss of companionship
13 and society, disfigurement, or physical impairment.

14 (b) Notwithstanding any other provision of this
15 constitution, the legislature by statute may determine the limit of
16 liability for all damages and losses, however characterized, other
17 than economic damages, of a provider of medical or health care with
18 respect to treatment, lack of treatment, or other claimed departure
19 from an accepted standard of medical or health care or safety,
20 however characterized, that is or is claimed to be a cause of, or
21 that contributes or is claimed to contribute to, disease, injury,
22 or death of a person. This subsection applies without regard to
23 whether the claim or cause of action arises under or is derived from
24 common law, a statute, or other law, including any claim or cause of

1 action based or sounding in tort, contract, or any other theory or
2 any combination of theories of liability. The claim or cause of
3 action includes a medical or health care liability claim as defined
4 by the legislature.

5 (c) Notwithstanding any other provision of this
6 constitution, after January 1, 2005, the legislature by statute may
7 determine the limit of liability for all damages and losses,
8 however characterized, other than economic damages, in a claim or
9 cause of action not covered by Subsection (b) of this section. This
10 subsection applies without regard to whether the claim or cause of
11 action arises under or is derived from common law, a statute, or
12 other law, including any claim or cause of action based or sounding
13 in tort, contract, or any other theory or any combination of
14 theories of liability.

15 (d) Except as provided by Subsection (c) of this section,
16 this section applies to a law enacted by the 78th Legislature,
17 Regular Session, 2003, and to all subsequent regular or special
18 sessions of the legislature.

19 (e) A legislative exercise of authority under Subsection
20 (c) of this section requires a three-fifths vote of ^{all} the members
21 ^{elected to} ~~present in~~ each House and must include language citing this
22 section.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held September 13,
25 2003. The ballot shall be printed to permit voting for or against
26 the proposition: "The constitutional amendment concerning civil
27 lawsuits against doctors and health care providers, and other

1 actions, authorizing the legislature to determine limitations on
2 non-economic damages."

3 SECTION 3. If a majority of the voters vote against this
4 proposed constitutional amendment, a court may not consider any
5 aspect of the vote for any purpose, in any manner, or to any extent.

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY

HJR3-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Nixon	Amendment	Withdrawn
2	Nixon	Amendment	Adopted
3	Turner	Amendment	Tabled
4	Mabry	Amendment	Tabled
5	Luna	Amendment	Tabled
6	Eiland	Amendment	Tabled

ADOPTED



MAR 28 2003

Robert Hance
Chief Clerk
House of Representatives

Kby
at
AB
SH

FLOOR AMENDMENT NO. 2

BY: Nixon

Amend C.S.H.J.R. No. 3 on page 2, lines 20 and 21, by striking
"the members present in" and substituting "all the members elected
to".

By: Nixon, et al. (Senate Sponsor - Ratliff) H.J.R. No. 3
(In the Senate - Received from the House March 31, 2003;
March 31, 2003, read first time and referred to Committee on State
Affairs; May 14, 2003, reported favorably by the following vote:
Yeas 7, Nays 0; May 14, 2003, sent to printer.)

HOUSE JOINT RESOLUTION

proposing a constitutional amendment concerning civil lawsuits
against doctors and health care providers, and other actions,
authorizing the legislature to determine limitations on
non-economic damages.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by
adding Section 66 to read as follows:

Sec. 66. (a) In this section "economic damages" means
compensatory damages for any pecuniary loss or damage. The term
does not include any loss or damage, however characterized, for
past, present, and future physical pain and suffering, mental
anguish and suffering, loss of consortium, loss of companionship
and society, disfigurement, or physical impairment.

(b) Notwithstanding any other provision of this
constitution, the legislature by statute may determine the limit of
liability for all damages and losses, however characterized, other
than economic damages, of a provider of medical or health care with
respect to treatment, lack of treatment, or other claimed departure
from an accepted standard of medical or health care or safety,
however characterized, that is or is claimed to be a cause of, or
that contributes or is claimed to contribute to, disease, injury,
or death of a person. This subsection applies without regard to
whether the claim or cause of action arises under or is derived from
common law, a statute, or other law, including any claim or cause of
action based or sounding in tort, contract, or any other theory or
any combination of theories of liability. The claim or cause of
action includes a medical or health care liability claim as defined
by the legislature.

(c) Notwithstanding any other provision of this
constitution, after January 1, 2005, the legislature by statute may
determine the limit of liability for all damages and losses,
however characterized, other than economic damages, in a claim or
cause of action not covered by Subsection (b) of this section. This
subsection applies without regard to whether the claim or cause of
action arises under or is derived from common law, a statute, or
other law, including any claim or cause of action based or sounding
in tort, contract, or any other theory or any combination of
theories of liability.

(d) Except as provided by Subsection (c) of this section,
this section applies to a law enacted by the 78th Legislature,
Regular Session, 2003, and to all subsequent regular or special
sessions of the legislature.

(e) A legislative exercise of authority under Subsection
(c) of this section requires a three-fifths vote of all the members
elected to each house and must include language citing this
section.

SECTION 2. This proposed constitutional amendment shall be
submitted to the voters at an election to be held September 13,
2003. The ballot shall be printed to permit voting for or against
the proposition: "The constitutional amendment concerning civil
lawsuits against doctors and health care providers, and other
actions, authorizing the legislature to determine limitations on
non-economic damages."

SECTION 3. If a majority of the voters vote against this
proposed constitutional amendment, a court may not consider any
aspect of the vote for any purpose, in any manner, or to any extent.

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 3
By Nixon/Ratliff
(Author/Senate Sponsor)
5-14-03
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,
have on 5-13-03, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☐ yes ☐ no
An actuarial analysis was requested. ☐ yes ☐ no
Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator William R. Ratliff, Chair	✓			
Senator Todd Staples, Vice-Chair	✓			
Senator Ken Armbrister	✓			
Senator Robert Duncan	✓			
Senator Rodney Ellis			✓	
Senator Troy Fraser	✓			
Senator Chris Harris	✓			
Senator Frank Madla			✓	
Senator Jane Nelson	✓			
TOTAL VOTES	7	0	2	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Nancy Bhalla
COMMITTEE CLERK

Ratliff
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HJR 3

SENATE COMMITTEE REPORT

State Affairs

May 13, 2003 - 8:00AM

FOR: Hull, Mike (Texas Alliance for Patient Access), Austin, TX
Jeffers, John (TMA, Tarrant Co. Medical Society, MCNT), Arlington, TX

AGAINST: Bragg, David (AARP), Austin, TX
Hampton, Hartley (Texas Trial Lawyers Association), Austin, TX

Registering, but not testifying:

FOR: Bailey, Charles (Texas Hospital Association), Austin, TX
Graves, Tim (Texas Health Care Association), Austin, TX

AGAINST: Bishop, Dan (Tx ABOTA Legislative/Educ. Fund, Inc.), Austin, TX
Lambe, Dan (Texas Watch), Austin, TX
Levy, Rick (Tx AFL-CIO), Austin, TX

ON: Christian, George S. (Texas Association of Defense Council), Austin, TX

BILL ANALYSIS

Senate Research Center

H.J.R. 3
By: Nixon (Nelson)
State Affairs
5/1/2003
Engrossed

DIGEST AND PURPOSE

In 1977 the 65th Texas Legislature passed the Medical Liability and Insurance Improvement Act of Texas to cover health care liability claims. The Act contained a \$500,000-cap on all damages except medical expenses for health care liability claims. In 1988, in *Lucas v. United States*, 757 S.W.2d 687 (Tex. 1988), the Texas Supreme Court held that the limitation on damages was unconstitutional as applied to common law causes of action but constitutional as applied to statutory causes of action. The *Lucas* court held that the statutory limitation on medical malpractice damages was unconstitutional as applied to common law causes of action because it violated the "open courts provision." H.J.R. 3 requires the submission to the voters of a constitutional amendment authorizing the legislature to determine limits for non-economic damages in medical or health care liability claims and other actions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Texas Constitution, by adding Section 66, as follows:

Sec. 66. (a) Defines "economic damages."

(b) Authorizes the legislature by statute, notwithstanding any other provision of this constitution, to determine the limit of liability for all damages and losses, however characterized, other than economic damages, of a provider of medical or health care with respect to treatment, lack of treatment, or other claimed departure from an accepted standard of medical or health care or safety, however characterized, that is or is claimed to be a cause of, or that contributes or is claimed to contribute to, disease, injury, or death of a person. Provides that this subsection applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability. Provides that the claim or cause of action includes a medical or health care liability claim as defined by the legislature.

(c) Authorizes the legislature by statute to determine the limit of liability for all damages and losses, however characterized, other than economic damages, in a claim or cause of action not covered by Subsection (b) of this section, after January 1, 2005, notwithstanding any other provision of this constitution. Provides that this subsection applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability.

(d) Provides that this section applies to a law enacted by the 78th Legislature, Regular Session, 2003, and to all subsequent regular or special sessions of the legislature, except as provided by Subsection (c) of this section.

(e) Requires a legislative exercise of authority under Subsection (c) of this section to require a three-fifths vote of all the members elected to each house and include language citing this section.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held September 13, 2003. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages."

SECTION 3. Prohibits a court from considering any aspect of the vote for any purpose, in any manner, or to any extent, if a majority of the voters vote against this proposed constitutional amendment.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 1, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages.), **As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$475,584.

The resolution would propose a constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages. The proposed constitutional amendment would be held on September 13, 2003.

According to the Secretary of State, presenting one constitutional amendment on a ballot results in higher costs because economies of scales are lost. The estimated cost of \$475,584 would include \$314,062 for postage, \$50,872 for printing, \$110,500 for newspaper advertising, and \$150 for translation costs. According to the Secretary of State, these costs are similar to those experienced in November 2002 when one constitutional amendment was presented to voters.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JK, RR, GO, MS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 2

March 24, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$475,584.

The bill would propose a constitutional amendment authorizing the legislature to determine limits for non-economic damages in medical or health care liability. The proposed constitutional amendment would be held on September 13, 2003.

According to the Secretary of State, presenting one constitutional amendment on a ballot results in higher costs because economies of scales are lost. The estimated cost of \$475,584 would include \$314,062 for postage, \$50,872 for printing, \$110,500 for newspaper advertising, and \$150 for translation costs. According to the Secretary of State, these costs are similar to those experienced in November 2002 when one constitutional amendment was presented to voters.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JK, GO, MS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION
Revision 1

February 17, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$85,275.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department Of Insurance

LBB Staff: JK, GO, JRO, MS, CJ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 15, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR3 by Nixon (Proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HJR3. As Introduced: a negative impact of (\$85,275) through the biennium ending August 31, 2005.

This House Joint Resolution proposes a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.

Appropriations:

Fiscal Year	Appropriation out of <i>GENERAL REVENUE FUND</i> 1
2004	(\$85,275)
2005	\$0

General Revenue-Related Funds, Two-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$85,275)
2005	\$0

Fiscal Analysis

This House Joint Resolution proposes a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims. The general cost for this Joint Resolution would be \$85,275 during fiscal year 2004.

Methodology

The Secretary of State spends an estimated \$85,275 on each constitutional amendment for printing in newspapers in English, Vietnamese and American Indian, as well as translation and mailing of Spanish language explanations of constitutional amendments to all Hispanic-surnamed households in the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, JRO, MS, CJ

ENROLLED

H.J.R. No. 3

A JOINT RESOLUTION

1 proposing a constitutional amendment concerning civil lawsuits
2 against doctors and health care providers, and other actions,
3 authorizing the legislature to determine limitations on
4 non-economic damages.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Section 66 to read as follows:

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10 does not include any loss or damage, however characterized, for
11 past, present, and future physical pain and suffering, mental
12 anguish and suffering, loss of consortium, loss of companionship
13 and society, disfigurement, or physical impairment.

14 (b) Notwithstanding any other provision of this
15 constitution, the legislature by statute may determine the limit of
16 liability for all damages and losses, however characterized, other
17 than economic damages, of a provider of medical or health care with
18 respect to treatment, lack of treatment, or other claimed departure
19 from an accepted standard of medical or health care or safety,
20 however characterized, that is or is claimed to be a cause of, or
21 that contributes or is claimed to contribute to, disease, injury,
22 or death of a person. This subsection applies without regard to
23 whether the claim or cause of action arises under or is derived from
24 common law, a statute, or other law, including any claim or cause of

1 action based or sounding in tort, contract, or any other theory or
2 any combination of theories of liability. The claim or cause of
3 action includes a medical or health care liability claim as defined
4 by the legislature.

5 (c) Notwithstanding any other provision of this
6 constitution, after January 1, 2005, the legislature by statute may
7 determine the limit of liability for all damages and losses,
8 however characterized, other than economic damages, in a claim or
9 cause of action not covered by Subsection (b) of this section. This
10 subsection applies without regard to whether the claim or cause of
11 action arises under or is derived from common law, a statute, or
12 other law, including any claim or cause of action based or sounding
13 in tort, contract, or any other theory or any combination of
14 theories of liability.

15 (d) Except as provided by Subsection (c) of this section,
16 this section applies to a law enacted by the 78th Legislature,
17 Regular Session, 2003, and to all subsequent regular or special
18 sessions of the legislature.

19 (e) A legislative exercise of authority under Subsection
20 (c) of this section requires a three-fifths vote of all the members
21 elected to each house and must include language citing this
22 section.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held September 13,
25 2003. The ballot shall be printed to permit voting for or against
26 the proposition: "The constitutional amendment concerning civil
27 lawsuits against doctors and health care providers, and other

1 actions, authorizing the legislature to determine limitations on
2 non-economic damages."

3 SECTION 3. If a majority of the voters vote against this
4 proposed constitutional amendment, a court may not consider any
5 aspect of the vote for any purpose, in any manner, or to any extent.

H.J.R. No. 3

President of the Senate

Speaker of the House

I certify that H.J.R. No. 3 was passed by the House on March 28, 2003, by the following vote: Yeas 102, Nays 45.

Chief Clerk of the House

I certify that H.J.R. No. 3 was passed by the Senate on May 19, 2003, by the following vote: Yeas 22, Nays 9.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 3[✓]
(1) was passed by the House on

March 28[✓]
(2), 2003, by the following vote:

Yeas 102[✓], Nays 45[✓]
(3) (4)

Chief Clerk of the House

I certify that H.J.R. No. 3[✓] was passed by the Senate on

May 19[✓]
(5), 2003, by the following vote:

Yeas 22[✓], Nays 9[✓]
(6) (7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT23;

78TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HJR 3

signature of primary author

printed name of primary author

Date

PERMISSION TO SIGN

HJR 3

HAS BEEN GIVEN TO (check only one of the following):

(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2115 Allen	3/12/03	A2430 Cook, Byron	3/11/03	A2795 Farabee	
A2125 Alonzo		A2565 Cook, Robert "Robby"	3/11/03	A2810 Farrar	
A2160 Bailey		A2595 Corte	3/12/03	A2840 Flores	
A2170 Baxter	3/12/03	A2605 Crabb	3/12/03	A2850 Flynn	3/12/03
A2205 Berman		A2610 Craddick		A2920 Gallego	
A2230 Bohac	3/11/03	A2640 Crowder	3-10-03	A2925 Garza	
A2250 Bonnen	3-10-03	A2620 Davis, John	3-11-03	A2960 Gattis	3-11-03
A2280 Branch		A2625 Davis, Yvonne		A2945 Geren	3-12-03
A2265 Brown, Betty	3-12-03	A2435 Dawson	3/11/03	A2935 Giddings	
A2270 Brown, Fred	3/10/03	A2680 Delisi	3/10/03	A2985 Goodman	03-11-03
A2255 Burnam		A3385 Denny	3/11/03	A2990 Goolsby	3-11-03
A2295 Callegari	3-12-03	A2690 Deshotel		A3010 Griggs	3-11-03
A2290 Campbell	3/12/03	A2705 Driver	3-10-03	A3020 Gruendorf	3/12/03
A2350 Canales		A2665 Dukes		A3045 Guillen	
A2360 Capelo	3/12/03	A2660 Dunnam		A3030 Gutierrez	
A2490 Casteel	3/11/03	A2650 Dutton		A3035 Haggerty	3-11-03
A2495 Castro		A2770 Edwards		A3050 Hamilton	3-10-03
A2585 Chavez		A2775 Eiland	3/10/03	A2695 Hamrick	3-10-03
A2480 Chisum	3/12/03	A2780 Eissler	3/11/03	A3160 Hardcastle	3-10-03
A2525 Christian	3/10/03	A2785 Elkins		A3165 Harper-Brown	3-10-03
A2435 Coleman		A2790 Ellis		A3170 Hartnett	

A3180 Heflin _____ Date
Sh. Heflin 3/11/03
 A3190 Hegar _____ Date

A3715 Madden _____ Date
J. Madden 3-10-03
McCall 3-11-2003
 A3750 Marchant _____ Date

A4220 Riddle _____ Date
Debbie Riddle
 A4250 Ritter _____ Date

A3250 Hilderbran _____ Date
Jim Hilderbran 3/12/03
 A3275 Hill _____ Date

A2835 Martinez Fischer _____ Date
M. Carr
 A3665 McCall _____ Date

A4270 Rodriguez _____ Date
 A4350 Rose _____ Date
Gene Seaman 3-10-03
 A4420 Seaman _____ Date

A3305 Hochberg _____ Date

A3650 McClendon _____ Date

A3290 Hodge _____ Date

A3845 McReynolds _____ Date

A4625 Smith, Todd _____ Date
R. Wayne Smith 3/10

A3325 Homer _____ Date

A3830 Menendez _____ Date

A4540 Smith, Wayne _____ Date

A3320 Hope _____ Date

A3815 Mercer _____ Date

A4530 Smithee _____ Date

A3330 Hopson _____ Date

A3840 Merritt _____ Date

A4550 Solis _____ Date

A3315 Howard _____ Date

A3830 Miller _____ Date

A4505 Solomons _____ Date

A3340 Hughes _____ Date

A3855 Moreno, Joe _____ Date

A4560 Stick _____ Date

A3355 Hunter _____ Date

A3860 Moreno, Paul _____ Date

A4570 Swinford _____ Date

A3360 Hupp _____ Date

A3870 Morrison _____ Date

A4585 Talton _____ Date

A3375 Isett _____ Date

A3865 Mowery _____ Date

A4600 Taylor _____ Date

A3405 Jones, Delwin _____ Date

A3885 Naishtat _____ Date

A4605 Telford _____ Date

A3420 Jones, Elizabeth _____ Date

A3895 Nixon _____ Date

A4630 Thompson _____ Date

A3400 Jones, Jesse _____ Date

A3900 Noriega _____ Date

A4650 Truitt _____ Date

A3470 Keel _____ Date

A3880 Oliveira _____ Date

A4685 Turner _____ Date

A3410 Kaffer, Bill _____ Date

A3886 Olivo _____ Date

A4695 Ures _____ Date

A3430 Kaffer, Jim _____ Date

A4100 Paxton _____ Date

A4700 Van Arsdale _____ Date

A3470 King _____ Date

A4100 Pena _____ Date

A4800 Villarreal _____ Date

A3495 Kolkhoist _____ Date

A4160 Phillips _____ Date

A4995 West _____ Date

A3485 Krusee _____ Date

A4180 Pickett _____ Date

A5000 Wilson _____ Date

A3450 Kuempel _____ Date

A4185 Pitts _____ Date

A5020 Wise _____ Date

A3510 Laney _____ Date

A4200 Puente _____ Date

A5015 Wohlgemuth _____ Date

A3540 Laubenberg _____ Date

A4230 Quintanilla _____ Date

A4980 Wolens _____ Date

A3605 Lewis _____ Date

A4240 Rangel _____ Date

A4985 Wong _____ Date

A3620 Luna _____ Date

A4215 Raymond _____ Date

A5005 Woolley _____ Date

A3700 Mabry _____ Date

A4236 Reyna _____ Date

A5150 Zedler _____ Date

Joe N.

proposing a constitutional amendment authorizing the legislature to determine limits for noneconomic damages in medical or health care liability claims and other claims.

FEB 12 2003

Filed with the Chief Clerk

FEB 13 2003

Read first time and referred to Committee on Civil Practices

MAR 04 2003

Reported favorably ~~(as substituted)~~
(as substituted)

MAR 10 2003

Sent to Committee on Calendars

MAR 28 2003

Read second time (comm. subst.) (amended) and adopted ~~(unanimous consent)~~ by a record vote of 102 yeas, 45 nays, 0 present, not votingRead third time (amended) and finally adopted (failed of adoption) by a record vote of yeas, nays, present, not voting

MAR 31 2003

Engrossed

MAR 31 2003

Sent to Senate

Robert Haney

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAR 24 2003

Recommitted to the Committee on Civil Practices

MAR 24 2003

Reported FAVORABLY (as substituted)

MAR 24 2003

Sent to Committee on CALENDARS

MAR 31 2003

Received from the House

MAR 31 2003

Read and referred to Committee on State Affairs

MAY 14 2003

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 16 2003

Senate and Constitutional Rules to permit consideration suspended by ~~(unanimous consent)~~
(25 yeas, 6 nays)

MAY 16 2003

Read second time, , and passed to third reading by ~~(unanimous consent)~~

MAY 16 2003

Const. 3 Day Rule failed by 24 yeas 7 nays. ~~(a viva voce vote)~~
(yeas, nays)

MAY 19 2003

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

MAY 19 2003

Reg. Order of Bus. Rules suspended by 21 yeas 10 nays
Read third time, , and passed by 22 yeas, 9 nays

May 19, 2003

Returned to the House

LARRY SAW

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 19 2003

Returned from the Senate (~~amended~~)

(with ~~amendments~~)

House concurred in Senate amendments by a (non-record vote)

(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair; _____,

Conference committee report adopted (rejected) by the House by a record vote of _____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of _____ yeas, _____ nays

03 MAR 24 PM 4: 53

HOUSE OF REPRESENTATIVES

03 MAR -7 PM 5: 39

HOUSE OF REPRESENTATIVES